

**Introduced by Senator Perata**

February 22, 2005

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An act to amend Section 42238.51 of the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 970, as introduced, Perata. Charter Schools: funding.

Existing law requires the county superintendent of schools to determine a revenue limit for each school in the county pursuant to a prescribed formula, and requires, for purposes of that apportionment, that average daily attendance be calculated, as prescribed.

Existing law requires a school district to compute the fiscal year average daily attendance, as specified.

Existing law requires a sponsoring school district to compute its average daily attendance by computing the sponsoring school district's regular average daily attendance in the current year, excluding all attendance of pupils in charter schools, and by computing the sponsoring school district's 2nd principal apportionment regular average daily attendance for the prior year, excluding all attendance of pupils who either attended a charter school in the prior year or who satisfy specified conditions.

Under existing law, those conditions are that the pupil attended one or more noncharter schools of the school district between July 1 and the last day of the 2nd period, inclusive, in the prior year, and that the pupil attended a charter school sponsored by the school district between July 1 and the last day of the 2nd period, inclusive, in the current year.

This bill would, for purposes of the above computation, make provision for computations for average daily attendance for pupils who attended a charter school sponsored by the school district in the

prior year and who attended a noncharter school of the school district in the current year.

The bill would provide that the amount of the attendance counted for any pupil for the purpose of an adjustment to the prior year attendance may not be greater than the attendance claimed for that pupil by the charter school or the school district in the current year.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 42238.51 of the Education Code is  
2 amended to read:  
3 42238.51. For purposes of paragraph (1) of subdivision (a) of  
4 Section 42238.5, ~~a sponsoring school district's~~ *the* average daily  
5 attendance *of a sponsoring school district* shall be computed as  
6 follows:  
7 (a) ~~Compute the sponsoring school district's~~ regular average  
8 daily attendance *of the sponsoring school district* in the current  
9 year, excluding all attendance of pupils in charter schools.  
10 (b) ~~(1) Compute the sponsoring school district's second~~  
11 ~~principal apportionment~~ regular average daily attendance *used to*  
12 *calculate the second principal apportionment of the school*  
13 *district* for the prior year, excluding all attendance of pupils who  
14 either attended a charter school in the prior year or who satisfy  
15 both of the following conditions:  
16 ~~(1)~~  
17 (A) He or she attended one or more noncharter schools of the  
18 school district between July 1 and the last day of the second  
19 period, inclusive, in the prior year.  
20 ~~(2)~~  
21 (B) He or she attended a charter school sponsored by the  
22 school district between July 1 and the last day of the second  
23 period, inclusive, in the current year.  
24 (2) *For the purposes of this subdivision, the amount excluded*  
25 *from the average daily attendance for the prior year shall be*  
26 *reduced by the amount, if any, of attendance of pupils who*  
27 *attended a charter school sponsored by the school district in the*  
28 *prior year and who attended a noncharter school of the school*  
29 *district in the current year.*

1     (3) *The amount of the attendance counted for any pupil for the*  
2 *purpose of an adjustment to the prior year attendance pursuant*  
3 *to this subdivision may not be greater than the attendance*  
4 *claimed for that pupil by the charter school or the school district*  
5 *in the current year.*

6     (4) *An adjustment to the average daily attendance for the prior*  
7 *year shall not be made pursuant to this subdivision for a pupil*  
8 *enrolled in a grade at a charter school sponsored by the school*  
9 *district if the school district does not offer classes for pupils*  
10 *enrolled in that grade.*

11     (c) To the greater of the amounts computed pursuant to  
12 subdivisions (a) and (b), add the regular average daily attendance  
13 in the current year of all pupils attending charter schools  
14 sponsored by the district that are not funded pursuant to Article 2  
15 (commencing with Section 47633) of Chapter 6 of Part 26.

16     (d) For the purposes of this section, a “sponsoring school  
17 district” shall mean a “sponsoring local educational agency,” as  
18 defined in Section 47632.